1) S.B. CR.MISC.BAIL APPL.NO.7319/2007.
Rajesh & Anr. Vs. State

2) S.B. CR.MISC.BAIL APPL.NO.6659/2007.
Samay Singh & Anr. Vs. State

Date of order : 1/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Shiv Lal Meena &
Shri B.S. Chouhan for the petitioners.
Smt. Nirmala Sharma PP for the State.

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Since both the bail applications arise out of the common first information report being FIR No.26/2007 PS Gadhmora, District Karauli, they have been heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioners has argued that the allegations against the petitioners is of committing theft of oil and copper wires from the transformer and that the petitioners were arrested on 2/8/2007 and ever since then, they are behind the bars. The investigation has been completed and their further detention is now no longer required for any

purpose of investigation. It was argued that so far as other other co-accused are concerned whose mention has been made in the rejection order, have already been granted bail in FIR No.116/2007 by the co-ordinate Bench of this Court in SB Cr.Misc.Bail Appl.No.6624/2007 and an another case, the petitioners have already been enlarged on bail even by the court below.

Learned Public Prosecutor has opposed the bail application and argued that petitioners are the habitual offenders and they might have repeat the same offence in future and, therefore, they are not entitled to be enlarged on bail during trial.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments, I deem it appropriate to enlarge the petitioners on bail during trial.

In the result, both the bail applications u/S.439 Cr.P.C. are allowed and it is directed that petitioners Rajesh S/o Babu Lal, Gyan Singh S/o Badri Prasad, Samay Singh S/o Dhundhiram and Sumer S/o Raghunath shall be released on bail in FIR No.26/2007 PS Gadhmora, District Karauli for

offence under Section 379 IPC subject to each of them furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for their appearance before that court on all dates of hearing until conclusion of the trial.

In case, petitioners found involved committing similar offence in future again, the prosecution shall be free to move for cancellation of their bail granted today by the court.

(MOHAMMAD RAFIQ), J.

anil/-